

**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

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**WRIT PETITION No.8325 of 2007**

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**Date: 20.04.2007**

Between:

K.Venugopal Reddy.

....Petitioner

And

The Assistant Divisional Manager and another.

....Respondents

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**THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY**

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**WRIT PETITION No.8325 of 2007**  
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**ORDER:**

The premises of the petitioner, which were provided with power supply, through Service Connection No.104 of Pendekallu Village, Bethamcherla Mandal, Kurnool District, were inspected on 07.08.2006. On finding that the meter disc was not rotating, even when all the appliances were put to use, the first respondent issued a notice of provisional assessment, dated 04.09.2006. It was pointed out that the loss caused to the Company, on account of the tampering with the meter by the petitioner, is estimated at Rs.46,822/-. The petitioner was required to submit explanation and was also given an opportunity to pay half of the said amount, if he wants continuance of power supply. The petitioner challenges the notice of provisional assessment.

Heard the learned counsel for the petitioner and the learned Standing Counsel for the respondents.

The Electricity Act, 2003 and the Rules made

thereunder prescribe the procedure, to determine the liability of the consumers, whenever the acts of malpractices and pilferage are noticed. The actual liability of a consumer, in such cases, would be determined in an order of final assessment. Though the insistence of payment of any amount, on the strength of a notice of provisional assessment, cannot be sustained, this Court is of the view that the cases, involving tampering with the meters, stand on a different footing. The petitioner cannot be extended the power supply, without imposing any conditions, under these circumstances.

Therefore, the Writ Petition is disposed of, directing that the respondents shall restore the power supply to the premises of the petitioner, on his depositing a sum of Rs.10,000/- (Rupees Ten Thousand Only). The actual liability of the petitioner shall, however, depend upon the outcome of the order of final assessment. There shall be no order as to costs.

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**20.04.2007**

Note: Issue C.C. in two days.

(B/o)

**JSU**